REPORT

OF

THE ORISSA ADMINISTRATION COMMITTEE

PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.
1933.

CONTENTS.

	Pages.
Chapter I.—Introductory	1—3
Chapter II.—Location of Headquarters	4—7
Chapter III.—Site, extent, and cost of new accommodation	8—17
Chapter IV.—Affiliation questions	18—26
Chapter V.—Territorial charges and their headquarters	27—31
Chapter VI.—Cadres of Services	32—34
Minute of Dissent	35—36

APPENDICES.

Appendix I.—Preliminary examination of a site for a new Capital at Cuttack (with plan)	37—38
Appendix II.—Approximate cost of additions and alterations to Government House, Puri	39—41
Appendix III.—Financial aspects of the alternative schemes for a higher judiciary in Orissa.. ..	42—45

Digitized with financial assistance from

H T Parekh FOUNDATION

An Initiative by HDFC WITH YOU, RIGHT THROUGH

on 10 January, 2019

CHAPTER I.

INTRODUCTORY.

1. The Committee was appointed by order of the Government of India in Resolution No. F.-47/33-R., dated the 24th June, 1933, which is here quoted :—"At the close of the third session of the Round Table Conference, the Secretary of State announced the intention of His Majesty's Government that Orissa should enter the future federation of India as a distinct province. Accordingly the proposals for constitutional reform embodied in the White Paper treat Orissa as a "Governor's Province" in the Federation of India with the boundaries indicated in the footnote to proposal 61.

Preliminary administrative preparation is a necessary condition in the establishment of a new province particularly when, as for the future Orissa province, territories would be taken from three existing provinces. Without in any way prejudging the final decision of Parliament on the future treatment of Orissa as a Governor's province, the Government of India consider it an advantage that administrative problems incidental to the creation of the new province should be brought under early examination. They have, therefore, decided, with the approval of the Secretary of State, to set up a Committee of enquiry for the purpose. The Committee will conduct its investigation on the basis of the boundaries proposed in the White Paper. Considerations of the selection of boundaries will lie wholly outside the Committee's purview".

2. The Committee was finally constituted as follows :—

Chairman.

(1) Mr. J. A. HUBBACK, C.S.I., I.C.S.

Members.

(2) Rai Bahadur LAKSHMIDHAR MAHANTI, M.L.C.

(3) Rai Bahadur LOKNATH MISRA, M.L.C.

(4) Babu BIRABAR NARAYAN CHANDRA DHIR NARENDRA, M.L.C.

(5) Mr. MADHUSUDAN DAS, C.I.E.

(6) Rao Sahib N. RAMAMURTI NAIDU.

(7) Mr. W. O. NEWSAM, I.C.S.

(8) Mr. N. SENAPATI, I.C.S.

(9) Sri Sri G. C. DEBO Mahasayo, Zemindar of Chikati,

with Mr. V. RAMASWAMI, I.C.S., as Secretary.

3. The terms of reference were to consider and make recommendations as regards—

(1) The location of the headquarters of the province.

(2) The site, the extent and the approximate cost of new accommodation required at the headquarters or in the districts, including the Government House, Secretariat, Council Chamber and residences for the senior officials posted at headquarters and of any provisional accommodation that may be necessary before permanent buildings are ready;

(3) The affiliation of Orissa with one or more of the adjoining provinces in the matter of the High Court; University with its constituent Colleges, Medical, Science, Veterinary, Engineering, etc., and any other institutions;

(4) Territorial charges and their headquarters; in particular the question whether the Khondmals should be amalgamated with the Khond areas in Ganjam and whether Angul should be made a Sub-division of the Cuttack district;

(5) Whether the new province would provide sufficient scope for a cadre of its own in any of the all-India Services, or whether officers from outside should be deputed for limited periods and entitled to exchange:

(6) Whether as a consequence of affiliation in the matter of institutions set forth in item (3) an arrangement of the kind indicated in item (5) will be necessary for a service other than the all-India Service.

4. We held our first meetings at Cuttack on the 2nd and 3rd July when we discussed the procedure to be followed in the course of our enquiry. For reasons of economy we decided that no verbatim record of evidence was to be taken. We prepared a general questionnaire and despatched copies to selected officials and non-officials and to public bodies inviting them to send memoranda. A special questionnaire was also framed and issued to heads of departments and other special officers in Bihar. In response to our questionnaires, we received a large number of written memoranda. We reassembled at Ranchi from August 21st to August 26th and discussed with the Secretaries to the Government of Bihar and Orissa and the heads of departments various points arising from their memoranda. We met again on October 6th at Berhampur to take oral evidence from authors of memoranda, and took the opportunity of visiting a part of the Ganjam Agency. Evidence was then taken at Puri, Cuttack, Angul and Sambalpur. In all 69 witnesses were examined in the course of our tour which was completed on the 20th October.

5. We cordially acknowledge the great assistance we have received from the public, the Governments concerned and their officers. We are greatly indebted to the authors of the memoranda and to those who were able to give us their views personally. We also acknowledge the valuable advice we have received from the Secretaries and heads of departments of the Bihar and Orissa Government. Our thanks are specially due to Mr. Gubbay, Chief Engineer and to his assistants for their examination of the possibilities of the Cuttack site and of the cost of placing thereon the headquarters of the new province. In every place we visited we were received by the people with the utmost hospitality and goodwill.

6. Lastly we desire to place on record our appreciation of the services of the office Establishment and to thank our Secretary Mr. V. Ramaswami, I.C.S., for his great assistance in our work and for the efficient organisation of our office.

CHAPTER II.

LOCATION OF HEADQUARTERS.

7. The O'Donnell Committee assumed that Cuttack would be the Capital. The other places, whose claims have been urged before us, are Berhampur, with Gopalpur as a summer resort, Puri and Angul. We have considered this problem in the light of popular sentiment, historical associations, geographical position and administrative convenience.

8. Berhampur and Gopalpur have no doubt certain advantages. They have an equable climate and possibilities of town development. Their vicinity to the sea might obviate the need of a summer headquarters. They are not liable to be inundated by flood or ravaged by epidemics. Labour is said to be cheap, and the cost of buildings might be lower than elsewhere. But neither Berhampur nor Gopalpur possesses any historical associations. Popular sentiment does not view their claim with favour.

9. The advocates of Angul lay emphasis on the facts that Angul occupies a central geographical position and that it lies on high ground and lends itself to a good drainage. Since all the land belongs to Government, no acquisition of land would be necessary for laying out a new capital. These advantages are more than counterbalanced by many disadvantages. Angul is geographically separated from the coastal districts and Sambalpur by a belt of Feudatory States. Its communications are in consequence dependent on the roads maintained by the States. Angul is fourteen miles from the nearest Railway Station, which is also situated on a branch and not a main line. There is no prospect of early improvement of railway communications.

10. Puri is the closest rival to Cuttack. It is enshrined in the affections of all pious Hindus. It was the capital of Orissa under the rule of the Ganga dynasty at any rate during the 14th Century A.D. It has on the whole an equable climate and is a reputed health resort. During the months of March to June, Puri is the coolest place in the Bihar and Orissa Province. There is a small Government House at Puri, while the land on the sea front on either side belongs to Government and the houses erected on it might be taken over at comparatively small cost. The water-works designed to supply the town with good drinking water will be completed in a year or so. It is no longer, as it used to be, a focus of cholera infection; indeed for the last twelve years, in spite of the pilgrim traffic to it, the mortality statistics compare most favourably with the other towns of the Bihar and Orissa province.

11. These advantages are however set off by the fact that Puri is not on the main railway line and that it has no colleges or technical institutions. There are objections to making an all-India centre of pilgrimage the seat of a provincial Government. It may further be urged that the Puri climate, though not unpleasant for the greater part of the year, is, in the experience of most officers, enervating if the stay is prolonged. The period of the rains is usually very trying, since the sea breeze, on which comfort at Puri depends, is replaced by a land breeze for long spells.

12. The balance of public opinion undoubtedly favours the location of the capital at Cuttack. Historically it has a much stronger claim to preeminence than any other town in the new province. Popular tradition says that Cuttack was founded by the Prince Markata Kesari in the tenth century A.D. and was the seat of the royal court of the Kesari dynasty. However that may be, it was certainly the capital at the opening of the 16th century under the Gajapati dynasty, and it was also the capital of Mukund Deva, the last Hindu King of Orissa, to whom the building of the great fort of Barabati on the southern bank of the Mahanadi is ascribed. Cuttack was also the headquarters of the Moghal Subedars in the 16th and 17th centuries. It was here that the first Englishmen to visit Orissa, Ralph Cartwright and his companions, were received in 1663 by the representative of Shah Jahan, and granted leave to trade freely and to establish a factory. From its mint coins were issued from the time of Akbar to the time of Aurangzeb. It was the seat of Government of the Maratha Deputies till they were ousted by the British in 1806, and has been the centre of local administration not only for the British districts of the Orissa Division but also for the Feudatory States for well over a hundred years. Unless historical associations are to be ignored or are found to be greatly outweighed by other considerations, the claim of Cuttack is paramount. The selection of Cuttack as the capital of the new province would be a graceful tribute to past history and popular sentiment.

13. Cuttack is easily the most populous town in Orissa. According to the census of 1931 its population is 65,263 compared with Berhampur 37,750 and Puri 37,568. Cuttack is well served in the matter of railway communications. Situated on the main East Coast line of the Bengal Nagpur Railway, it is easily accessible from the Ganjam, Puri and Balasore districts. Angul is within three hours' journey by rail and road and Sambalpur can be reached from Cuttack during most of the year within 12 hours. It is the market for the surplus produce of the Orissa States and is the principal commercial and industrial town of the new province. It is the centre of modern Orissa thought and public life and has been the focus of the movement for the creation of the province. It enjoys great educational facilities in the Ravenshaw College and five high schools. Its main drawback is its climate,

which is marked by dry heat during March, April and May, and unpleasant moist heat at the end of the rains. The rains themselves are more tolerable here than at Puri, and the climate is, taking it all round, much less relaxing. It has been urged that Cuttack is exposed to the threat of flooding by the Mahanadi. But the strong stone embankments have kept the town safe for centuries, and it has only suffered, as it did this year, from the direct effects of exceptional local rainfall. The position of Cuttack at the head of the Mahanadi delta makes it eminently fitted as the centre of operations against the periodic floods, whose prevention and relief will certainly form one of the principal preoccupations of the new Government.

We therefore unanimously recommend that Cuttack be selected as the Provincial Capital.

Summer Headquarters.

14. If Cuttack is accepted as the capital, the existing Government House at Puri should be maintained and Puri treated as summer headquarters for the months of April, May and June when the climate of Cuttack is at its worst. The Governor and his staff may move to Puri, but it will not be necessary to transfer the whole Secretariat. Rail communication between Cuttack and Puri is good, while the road can be used from the beginning of January till the rains break in June. We are informed that a telephone service between Cuttack and Puri will involve a capital cost of Rs. 48,000 and a recurring cost of Rs. 11,500 less receipts from the Puri exchange and the trunk line. With the aid of the telephone, which we consider is essential, it is not anticipated that the isolation of the Governor from the Secretariat will present any serious difficulties. Headquarters officers might be allowed to visit Puri for short spells during this period, when work is not ordinarily very heavy.

15. The Committee however consider that since there is no real cold weather either at Cuttack or Puri, it would be very desirable to establish a small summer camp for the Governor and his staff, available also for senior officials, for a few weeks in the year at some suitable hill resort. There appears to be no place within the confines of the province which would provide the full advantages of a change from the Cuttack climate. The Committee are informed that it would be possible to locate the summer camp at Mahendragiri in Mandasa estate, an unoccupied hill nearly 5,000 feet high less than 20 miles from the sea, and within a distance of 5 or 6 miles from the proposed southern boundary of the province. It is roughly estimated that a sum of Rs. 75,000 would be necessary for providing such a summer camp. We propose that the Madras Government be asked whether, provided the proprietor of the hill has no objection, the new Orissa Government might lease a part of it for the erection of the necessary buildings and for the provision of water.

16. The Committee is also impressed with the difficulty that will be presented in getting into touch with the people of Ganjam district as long as there is no accommodation for the Governor, the Ministers or heads of departments in the neighbourhood of Berhampur. It is scarcely reasonable to expect local officers or the gentry of Berhampur to offer hospitality, when visits are likely to be far more frequent than they have been in the past. We propose, therefore, that a sum of Rs. 50,000 be allotted for a Circuit house to be built at Gopalpur.

CHAPTER III.

SITE FOR GOVERNMENT HOUSE, SECRETARIAT AND COUNCIL CHAMBER.

17. Having selected Cuttack as the capital, we have considered the possible places for locating the Government House, the Secretariat, the Council Chamber and other buildings. The following sites have been suggested. They are :—

(1) The fort area and the surrounding open spaces.

(2) Chaudwar, near the Nirgundi Station.

(3) Chauliaganj on the east of the town.

(4) The low hills two miles west of Barang about six miles south of Cuttack.

(5) A site in the neighbourhood of Chauhatta ghat on the west of the town, enclosed by the embankment which protects Cuttack from the Mahanadi and the Katjuri floods.

18. In our view the fort is not suitable. The area is too small to accommodate all the buildings required and the attempt to do so would destroy entirely the interest of the fort as a historical relic, as well as the amenities which the public derive from the open space. The area to the east of the fort on the bank of the Mahanadi could not be utilised without closing and diverting a public road. The ground is used for an annual fair in November and there is a temple on the bank which with the ghat alongside is used for daily worship and bathing. It would further be most undesirable to deprive the town of its very few open spaces by building on them.

19. The Chaudwar site has no climatic advantages over Cuttack town itself and it is separated from the town by the Mahanadi. To make the site a possibility a road bridge over the Mahanadi, costing far more than the whole capital would otherwise cost, is essential. A ferry service would be irregular and at some seasons of the year dangerous. Similar objections apply to the proposed Barang site.

We were not greatly impressed by Chauliaganj as a possible site. It is the only direction in which the College can develop, if it is to grow into a large University. Much of the site moreover is low lying and drainage would be exceedingly difficult.

20. We finally select the Chauhatta ghat site. The Committee had the advantage of having first-hand reports on the state of the ground after the altogether unprecedented rainfall in August last of 14 inches in 24 hours. These reports were decidedly favourable, since the local flooding was less than in many residential parts of the town. On the south side there is some high ground from

which a fine view of the circle of hills to the north is obtained. There is a small basti to the east of the area which can be removed. In the north there is the rifle range which we understand the Army Department is anxious to surrender. It will make a suitable site for the Secretariat and Council Chamber. The entire site is securely protected against river floods by the centuries-old embankment and with the improvement of the drainage, the feasibility of which has been examined, would remain dry in all but quite abnormal conditions. We recommend that in addition to the Government House, Secretariat and Council Chamber residences for the headquarters officers detailed in paragraph 36 below should be built on the proposed site.

21. The site has been closely examined by P. W. D. officers with a view to advising us (i) whether it is suitable for multiple storied buildings, (ii) whether there are any objections to it from the public health and sanitary point of view, and (iii) whether the supply of water and electricity would be unduly expensive. They unanimously reported that the site is suitable for the proposed capital and that the public utility services including electricity will not be costly to instal and maintain. (Their opinion is reproduced in Appendix I).

New Permanent Accommodation.

22. It is necessary to discuss at some length the administrative arrangements for the new Province in order to reach a decision as regards the extent of accommodation required at the headquarters. The O'Donnell Committee based their proposals in this respect on the assumption that the Orissa Feudatory States would be under the supervision of the Governor of Orissa and that the new province would include the Vizagapatam Agency tracts. We have borne in mind that the Governor of the new Province will have no concern with the Feudatory States and that the boundary envisaged in the White Paper excludes the Vizagapatam Agency and Parlakimedi in Ganjam. But while our proposals aim at providing an economical headquarters staff, they must secure that the advice of a reasonably strong and competent Secretariat will be available to the Governor and the Ministers in the future constitution.

23. There must evidently be a Chief Secretary, of Commissioner's standing, firstly to advise the Government as a whole in the departments entrusted to him and to ensure that the orders passed are duly carried out, secondly to assist the Governor in the discharge of the heavy special responsibilities which he will have under the new constitution, and lastly to ensure that the official machine runs smoothly. He should certainly be in charge of the Political and Appointment Departments and it would be best to give him the Finance Department as well, since all these will presumably be in the portfolio of the Chief Minister. It would be inconvenient to give him any of the Departments in which expenditure is not fairly well stereotyped, since to do so would mean weakening the force of his financial criticism. But he might well take

Judicial, Jails and Commerce as well as some other subjects of minor importance. There is likewise an obvious need for a Revenue Commissioner, who as Member of the Board of Revenue will perform the duties of the present Divisional Commissioner on the revenue side, as well as those of the Excise Commissioner, the Inspector General of Registration and the Director of Land Records and Surveys. He will also, we propose, be Secretary to Government in these matters, and will be the Chief Inspecting Officer responsible for keeping the standard of district offices up to the mark. Although as we explain below, we would not make him the technical head of the Forest Department, he would deal with cases from that Department as Secretary to Government. A third I. C. S. officer will be required for the Secretarial duties in respect of the other subjects, Education, Medical, Public Health and Local Self-Government, as well as Agriculture, Veterinary, Industries and Co-operative Credit. He would be the departmental head in the four last named subjects. It might be convenient both to secure closer touch with district administration and to minimise the objections to the head of a spending department being also Secretary to Government, if this officer were ranked as a Deputy Secretary and important cases were examined either by the Chief Secretary or the Revenue Secretary.

24. For legal work we propose, following the O'Donnell Committee, that a lawyer should be employed for a term of years. He would be both Legal Remembrancer and Government Advocate. We also propose that a specially trained Munsif should be employed as Secretary to the Legislature and as Law Drafter. When his duties permit, he could help with the disposal of judicial work.

25. There will certainly be required one Under Secretary to relieve the Chief Secretary of the routine work of the Political and Appointment Departments. On the Political side the work will be scarcely less heavy than it is in a much larger province, while, though the number of officers to be fitted into posts will be much smaller, the existence of a joint cadre with one or more other provinces will add an unusual complication to the work of the Appointment Department. The Under Secretary could be employed in writing up the annual record of the work of the province, a task which requires a special officer for some months in Bihar and Orissa every year.

26. The preparation of the budget for a small province will not be much less onerous than it is for a large one, while the work of keeping the technical codes up to date and of dealing with financial points of a technical nature will not be appreciably diminished. The Chief Secretary will not necessarily have had previous experience of the work of the Finance Department. For these reasons we think an Assistant Secretary in the Finance Department is essential. The Revenue Commissioner will require one Personal Assistant (of the rank of Superintendent of Excise) and another drawn from among the Sub Registrars. Temporary assistance will

probably be required for inspection in both departments, which can be provided by taking a senior district excise or registration officer and replacing him by a more junior man. For land revenue work proper, the services of the Under Secretary or the Assistant Secretary should be available to the Revenue Commissioner. The Deputy Secretary will have the help of the Assistant Director of Agriculture, the Deputy Director of Veterinary Services and the Deputy Registrar of Co-operative Societies. All these officers are already housed in or near Cuttack. The Secretariat will require a Registrar who should be housed in the new capital site.

27. The O'Donnell Committee considered that the Divisional Forest Officers should be placed under the general control of the Revenue Commissioner who should be entitled to ask the Direction Division of some other province (probably Bihar) to furnish him with the necessary expert advice, with or without local inspection. We consider that the proposal is not workable. Technical advice in forestry is not a thing which can be given as from a book nor is it safe to assume that a layman will know when and why to require it. The best technical advice can only be given as a result of practical knowledge of the area concerned, and that can only be gained by constant contact. Advice given as a result of a few days' visit cannot be authoritative and would merely be an opinion without responsibility attached. Further it is essential that there should be a senior officer of standing for conducting research and watching the actual working of the Working Plans, if not revising them himself. The O'Donnell Committee's estimate of annual contribution to Bihar was only Rs. 4,000. This, we are advised, is an under-estimate and the true figure would be about Rs. 25,000. The Committee consider that Orissa should have a separate head of the department, the post being filled by an I. F. S. officer of the rank of Divisional Forest Officer with a special allowance. It will not, however, be necessary to house him at Cuttack. Angul, which is in the centre of one of the forest divisions and within fairly easy reach of three of the other four divisions, is evidently more suitable than Cuttack for the headquarters of the forest department, and buildings will be available there if Angul loses its district status.

28. As regards the Police we support the O'Donnell Committee's proposal to create a post of Inspector General and abolish the post of Deputy Inspector General. The Inspector General will, however, require one Superintendent of Police as Personal Assistant, who will also be in charge of the C. I. D. When the Governor is in residence much additional work will be thrown on the Superintendent of Police at Cuttack, whose work will also, according to our recommendations, be increased by the addition of the present Sadr Sub-division of Angul. One Assistant Superintendent of Police should therefore be attached to Cuttack district to assist the Superintendent of Police in office routine and inspection. There should be a Sergeant Major at headquarters in charge of the Government House guard as well as the guards required

from time to time for the Secretariat and the Council Chamber. Extra accommodation will thus be required either on the new capital site or elsewhere in Cuttack for one Superintendent of Police, one Assistant Superintendent of Police and a Sergeant Major, as well as for a platoon of military police. There is already accommodation for half a platoon in the police lines. The cost of building additional barracks may be put at Rs. 16,000.

We accept the proposal of the O'Donnell Committee that there should be one combined head of the departments of Civil Hospitals, Prisons and Public Health. An I. M. S. officer with practical experience of Jails and Public Health would be the most suitable man for the post. It is presumed that appointments to the post will be made by the Government of India and that its tenure would be for a period of about four years. We think that he should have two Personal Assistants, one for Public Health and Hospitals and the other for Jails. The former will be of the rank of Assistant Director of Public Health, or, if he is an Assistant Surgeon, he should possess the Calcutta Diploma of Public Health. He will have to respond to emergency calls in connection with epidemics and will be employed on the inspection of municipalities and on looking after the arrangements for the Rath Jatra (Jagannath) festival at Puri. He will thus be on tour for much of the year. While he is on tour, his routine work at headquarters may be performed by the other Personal Assistant in charge of Jails.

29. The proposals of the O'Donnell Committee regarding the Education Department were based on the idea that the Feudatory States would be administered from Cuttack. We consider that the staff required for the new province will be a Director from the I.E.S. or from Class I of the Provincial Educational Service assisted by a Deputy Director in Class II, (who will in addition be Registrar of Examinations) and a Divisional Inspector of Schools. Of these there is at present accommodation for one officer only.

30. We are convinced that in addition to the Chief Engineer, who will be Secretary to Government in his department, a Deputy Chief Engineer will also be necessary at Cuttack on a scale of pay of Rs. 1,750 to Rs. 2,150 until the new capital is built. The supervision of the erection of the capital buildings will be a whole-time job for an experienced Engineer, if the work is to be put through with expedition and economy. The Chief Engineer and his Deputy will have a combined establishment. Orissa will have to rely for the present on the advice of the Electrical Inspector and the Electrical Engineer of Bihar. The charge of the Bihar Superintending Engineer, Public Health, should continue to cover Orissa.

31. Thus the officials named below will have to be housed in Cuttack either by using existing residences or by building or acquiring new ones, or by calling on them to find their own accommodation. The last alternative should in our opinion be ruled out. House-rents would undoubtedly be forced up, since there are

few suitable houses in Cuttack, and it is unfair to burden officers, required to work in a trying climate, with expensive and inconvenient dwellings. To acquire houses will be at least as dilatory and costly as to build them. We are decidedly of opinion that broadly speaking the proper course is to build for all officers who are not already provided for, or who cannot be provided for from the stock of existing Government residences. Our estimate of needs and costs for residences is :—

	T. Rs.
1. Government House	7,00
2. Chief Justice	50
3. Chief Secretary	45
4. Revenue Commissioner	...
5. Chief Engineer	...
6. Deputy Secretary	35
7. Inspector-General of Medical Service and Jails	35
8. Inspector-General of Police	...
9. Director of Public Instruction	35
10. Under Secretary	25
11. Assistant Secretary	20
12. Registrar of Secretariat	15
13. Assistant to the Inspector-General of Police	...
14. Assistant Superintendent of Police ...	20
15. Deputy Director of Public Instruction ...	25
16. Government Advocate	...
17. Secretary to the Legislative Council ...	...
18. Personal Assistant (Excise)	20
19. Personal Assistant (Registration)	...
20. Personal Assistant (Public Health) ...	...
21. Personal Assistant (Jails)	20
22. Sergeant Major	10
23. Police Barracks	16
	10,71

32. It will be observed that no provision has been made for numbers 4, 5, 8, 13, 16, 17, 19 and 20. The Revenue Commissioner will continue to occupy the present Commissioner's house and the Chief Engineer will take that of the Superintending Engineer. The Inspector-General of Police will take the Deputy Inspector-General's house. There is a house built for the Settlement Officer which can be given to the Assistant to the Inspector-General of Police. The Commissioner has now got a Personal Assistant, who finds his own house, while there is a house for the

local Public Health Officer. Thus only two out of the four Personal Assistants will need new houses. The provision of a house for the Chief Justice is dependent on whether the scheme for a High Court for Orissa is adopted. The Government Advocate will be or become a member of the Cuttack bar, and may be expected to find his own house. The Munsifs posted to Cuttack are not provided with Government residences, and we therefore do not see any strong reason for doing so for the Secretary to the Council. We think that the President of the Council can hire a house during his term of office. Since we propose that the temporary headquarters of the province should be at Puri, the Deputy Chief Engineer will be able to get a house in Cuttack, while the new capital is being built.

33. It is more difficult to forecast what accommodation is required for the Ministers in the new Government and for temporarily housing Members of the Legislature during sessions. The number of Ministers is uncertain and it is at least likely that one of them will be a permanent resident of Cuttack. Nor is it likely that the pay suggested by the O'Donnell Committee for two Ministers, Rs. 3,500 a month, will be ultimately adopted. The figures mentioned to us during our tour by a number of gentlemen whose views command respect have ranged between Rs. 2,500 and Rs. 1,500. There is a general consensus of opinion that there should be three Ministers. In the absence of any clearer guidance we put down Rs. 70,000 for house accommodation for Ministers.

34. With a Legislature of 60 drawn from all parts of the new province, many members will find great difficulty in securing suitable accommodation during the sessions or when same are called in for committees or conferences. We propose that Rs. 1,00,000 should be provided for building quarters capable of housing 20 members. If more quarters are required it will be for the Orissa Government to provide them.

35. We estimate that the following clerical staff will be required for the Secretariat at Cuttack in addition to clerks already employed in the divisional offices:—

Political and Appointment Department ...	10
Finance Department	6
Judicial Department	4
Revenue Secretariat	2
Excise	4
Registration	3
Inspector-General of Police	3
Director of Public Instruction	4
Medical, Jails, Public Health	9
Public Works Department	5

36. The capital cost for the buildings, furniture and lay out should be kept within the following figures :—

	T. Rs.
1. Land acquisition	3,50
2. Government House	7,00
3. Residence for officials	3,71
4. Secretariat and Council Chamber ...	7,60
5. Furniture for Government House ...	1,00
6. Furniture for Secretariat and Council Chamber	1,00
7. Two houses for Ministers	70
8. Quarters for members of the Legislature ...	1,00
9. Quarters for 40 ministerial officers ...	1,70
10. Water supply for the capital site ...	1,26
11. Electric installation connected with Cuttack Electric Supply	40
12. General lay out, including filling up hollows, improving surface drainage and improving existing roads and constructing new roads	3,00
	31,87

Provisional accommodation.

37. The Committee are agreed as regards the location of the temporary residence of the Governor of the province before the construction of the new capital is complete. It is obvious that the present Government House at Puri should be utilised for the purpose, though it is placed so close to the sea that it is quite impossible to convert it into a permanent residence suitable for the Head of the Province. Structural additions and alterations, replacement of the electric plant, provision of a better water supply, furniture and creation of a garden are necessary in order to make it even tolerable for a period of three years while the capital is being built and as a residence for a period of some three months every year thereafter. It will also be necessary to provide electric fittings and a better water supply to the adjoining Circuit House,

since it will be in constant use for the first three years and in frequent use thereafter. The details are as follows :—

	Rs.
Government House—	
Additional accommodation	35,000
Additional verandah	16,000
Electrical fittings	7,000
New generating sets	38,000
Water supply	4,000
Furniture	25,000
Garden	25,000
Circuit House—	
Electrical fittings	4,000
Water supply	4,000
	1,58,000

Accommodation and Verandah.

38. It is proposed to add a billiard room, a card room, two bed rooms and three dressing rooms, a boudoir, and offices for the staff. The house is at present only suited for a very brief stay. The verandah, which looks southwards over the sea, is only 8 feet wide and the glare must be mitigated by doubling the width.

Electricity.

39. At present there is only one engine and dynamo and it is of pre-war design and totally unsuitable for continuous running. Two suitable sets are available from the Cuttack General Hospital, which is now on the town supply. The existing wiring as well as most of the outside fittings and fans have been irretrievably damaged by saline action and should be replaced wholesale.

Water Supply.

40. The existing supply is from two wells and is of doubtful bacteriological quality. All water is carried up by hand. It is proposed to install pipes for carrying cold water into each bathroom and to install in each bathroom one tap and one shower where required. Provision should also be made for pipes and taps to the kitchen and standposts for clerks' and servants' quarters. When the Puri water-works supply installation is completed in about two years' time, the residual head will not be sufficient to carry water to the upper floors, so electrically driven house service pumps and a storage reservoir will be necessary.

Garden and furniture.

41. The land surrounding the house is a sandy waste. The furniture has suffered severely by exposure to the sea air.

42. In Puri, we found suitable buildings for temporary accommodation of the Secretariat, and a number of houses for those officers who may be required to live there continuously until the new capital is built. There is a commodious Circuit House and an excellent hotel. If the future Government should decide to hold the Council sessions there during the temporary location of the capital at Puri, the Zila School has a fine hall, which could be used without serious inconvenience, while the members of the Legislature could without difficulty find accommodation at the time that the Legislature would be in session. We have considered the alternative of placing the seat of the Government at Cuttack during the waiting period, and are convinced that the available accommodation is greatly inferior to that which Puri offers. An arrangement of a similar kind was adopted at the inception of the province of Bihar and Orissa, when Government headquarters were placed at Ranchi for nearly six years. The decision did not in any way prejudice the adoption of Patna as the capital, and there is no reason to expect that a similar decision will postpone the adoption of Cuttack as the Capital of Orissa.

43. We are advised that after the completion of the proposed structural additions and alterations to the Puri Government House it will take at least ten clear months for the walls and plaster to dry. We therefore press strongly that a decision on this part of our report should be reached as early as possible, so that the Governor of the province may have somewhere to live, when he assumes charge.

CHAPTER IV.

AFFILIATION QUESTIONS.

High Court.

44. We are asked "to make proposals for the affiliation of Orissa with one or more of the adjoining provinces in the matter of a High Court". It was assumed by the O'Donnell Committee that there would not be sufficient work for a separate High Court for Orissa and indeed the same assumption appears in our terms of reference. We consulted the High Courts at Madras and Calcutta on this matter. The Madras High Court is definitely against the proposed affiliation with any part of the new province of Orissa. The Calcutta High Court was willing to assume jurisdiction over Orissa but only on the terms that Orissa should pay the salaries of two Judges of the High Court and the salary of a Registrar of the grade of District and Sessions Judge. They added that it seemed to be uncertain whether there was any need for Judges of the Calcutta High Court to come to Orissa on circuit.

45. It would appear from these answers that affiliation to Calcutta and Madras in the matter of the High Court is definitely out of the question. We also consulted the Judges of the Patna High Court. On the whole they saw no objection to affiliation. We are bound, however, to say that we heard much evidence to the effect that the present circuit system, whereby two Judges of the Patna High Court come on circuit three or four times a year to Cuttack, is unsatisfactory. We have reason to believe that this dissatisfaction is equally shared by the Judges and by the Bar. Non-official witnesses were definitely opposed to a continuance of the present circuit system and strongly urged the claims of Orissa to have a High Court of her own. It would also be possible to develop a constitutional argument that provincial autonomy is impossible without a High Court. Indeed it seems to us that a province cannot be completely autonomous nor can it be a separate unit fit for federation unless it possesses in addition to a responsible Government an independent High Court responsible for the administration of justice.

46. We do not forget that even institutions which may fairly be described as constitutional necessities cannot escape the overmastering considerations of financial stringency. In a word we think that Orissa must be prepared to accept expedients suggested by its special circumstances and dictated by its limited resources. The special features of the new province which distinguish it from nearly all other existing provinces of India are that it cannot function at all without financial help from the Central Government; that the poverty of its people and their racial unity combine to produce litigation small in quantity and of a simple nature; that the Oriyas in general are tractable and inspired by intense local

patriotism. Nevertheless we deprecate the assumption that affiliation with some other province in the matter of a High Court is the only possible plan.

47. The following suggestions have been made to us for a Chief Court for Orissa :—

(a) A Court presided over by a single Judicial Commissioner ;

(b) a Chief Court with two Judicial Commissioners ; and

(c) a High Court of three Judges.

48. The objection to a single Judicial Commissioner is that his court cannot be a High Court nor will the province have judicial autonomy. Moreover, we are advised that there will not be appellate work sufficient to occupy the whole time of a Judicial Commissioner. Nor are we able to say that two Judicial Commissioners will be better than one. In the event of a difference of opinion between them, either the opinion of the senior Judicial Commissioner must prevail or the right of appeal must be waived or the matter must be referred to the High Court of another province. With a High Court of three Judges, it is clear that the administration of justice would be grossly top-heavy, since the High Court Judges would certainly equal and might exceed in number the District and Sessions Judges in the province.

49. At an early stage of our deliberations a proposal for a High Court for Orissa was placed before us which seemed to be especially adapted to the needs of the province. We devoted much of our time to examining this proposal, and we have tested it by subjecting it to the criticisms of members of the bar at Berhampur, Puri, Cuttack and Sambalpur. We may say generally that at first there was considerable prejudice against the scheme on account of its novelty. Numerous criticisms were also advanced and met by us to the best of our ability. After considerable discussion and debate we feel justified in stating that the scheme about to be explained was in the end favourably received at all the centres where we took evidence, except at Cuttack where the scheme evoked an exceptional amount of criticism. But nearly all the witnesses who appeared before us at Cuttack as well as some other members of the Cuttack bar have subsequently sent us a written memorandum urging the adoption of a *similar* scheme of a more expensive nature. Every one seems now to be agreed that Orissa should have a separate High Court of her own. Our Committee as a whole is strongly in favour of the scheme and regards it as a solution of the difficulty of equipping the new province with an essential of autonomy. The financial aspects of the scheme and of the possible alternatives are discussed in an appendix to this report.

Scheme for a High Court for Orissa.

50. The High Court would consist of a Chief Justice and three Puisne Judges. The Chief Justice would be paid Rs. 3,500 a month and the Puisne Judges Rs. 3,000 (in addition to overseas pay

in the case of a Judge of European domicile). We would recommend that, to begin with at least, the Chief Justice and one Puisne Judge should be members of the Indian Civil Service and that the remaining two Puisne Judges should be recruited from the bar. If a suitable member of the provincial Judicial Service could be found, he would be eligible for promotion to the High Court Bench.

The Chief Justice and one Puisne Judge would be stationed at Cuttack, the provincial capital; a third Puisne Judge would be stationed at Berhampur in Ganjam and the fourth at Sambalpur.

Each of the three Puisne Judges would be invested with defined territorial jurisdiction to try original civil and criminal cases, in fact to do the work that District and Sessions Judges do in the major provinces on the original side. The Chief Justice, however, will have original civil and criminal jurisdiction throughout the province. Thus, as in other provinces the great bulk of original civil suits will be tried by District Munsifs and Subordinate Judges; but where, as in Sambalpur district for example, there would be no Subordinate Judge, civil suits beyond the pecuniary jurisdiction of a Munsif will be heard by the Puisne Judge. The pecuniary jurisdiction of one or more of the Munsifs might be increased to Rs. 4,000. Similarly sessions for the trial of offenders presided over by a Pusine Judge will be held at Cuttack, Berhampur and Sambalpur and one of the Judges will go to Puri and Balasore to hear the cases of those sessions divisions.

Appellate Jurisdiction (Civil).

51. The highest court of appeal in both civil and criminal matters would be a bench of the High Court consisting of two or more Judges of the Court. Appellate benches will have jurisdiction throughout the province. It would be left to the Chief Justice to decide where appeals should be heard. Appeals from the decrees of Munsifs and Subordinate Judges would be instituted in the court of the Puisne Judge resident in the district. Likewise, appeals from first class magistrates and District Magistrate would be instituted in the court of the Puisne Judge resident in the district. In districts where no Puisne Judge is resident, appeals would be instituted before the Registrar of the High Court at Cuttack. All appeals from the decisions of a Puisne Judge, whether in a civil or criminal case, would be instituted at Cuttack before the Registrar of the High Court.

First appeals from decrees of Munsifs and Subordinate Judges would be heard by the Puisne Judge resident in the district, and if there is no Judge resident in the district, by the Chief Justice or by any Puisne Judge to whom he may transfer the appeal. Second appeals from decrees of Munsifs and Subordinate Judges would be heard by a bench of two Judges and it would not be lawful for the Judge who heard the first appeal to be a member of the second appellate bench. In the event of a difference of opinion between the Judges constituting the second appellate bench, the

opinion of the senior Judge would prevail, or the matter might be referred to a third Judge under rules of the High Court to be framed.

There would be only one appeal from the decree of a Puisne Judge, and it would lie to a bench of two or three other Judges of the Court.

Appellate Jurisdiction (Criminal).

52. Appeals from the judgments of first class Magistrates and District Magistrates would be heard by the Puisne Judge resident in the district, and if there is no Judge resident in the district by the Chief Justice or any Puisne Judge to whom he might transfer such appeals.

A bench of two Judges of the High Court would be competent to revise the appellate decision of any single Judge.

An appeal against the judgment of a single Puisne Judge in a sessions case would lie to a bench of two or more Judges of the High Court.

53. To sum up, the scheme proposes to abolish District and Sessions Judges in Orissa and to constitute a High Court of four Judges. Single Judges of the High Court would do the work now performed by District and Sessions Judges, while a bench of two or more Judges would exercise the appellate jurisdiction of a High Court. This, in effect, is a reversion to the English model as exemplified in the judicial administration of the Presidency towns in India.

54. We think it necessary briefly to mention the important criticisms which were directed against the above scheme and to endeavour shortly to answer those criticisms :—

Under Section 267 of the Criminal Procedure Code all trials before a High Court shall be by jury. It was pointed out to us that trials by jury would be unsafe in mufassil stations. We would recommend that at first, at any rate, trials by jury should be restricted. This could only be done by an Act of the Central Legislature.

55. Another criticism frequently made was that the prestige and dignity of Judges of a High Court would suffer if they were called upon to try sessions cases and to do the miscellaneous work now performed by District and Sessions Judges. It was suggested that a High Court, the Judges of which are scattered in different stations, commands less public confidence than a High Court, the Judges of which are concentrated at the provincial capital. On the other hand, we strongly feel that the prestige of Judges and public confidence in their integrity and independence should be earned rather than borrowed or inherited. We also feel sure that judicial dignity is derived not from the nature of the problems presented, but from the manner in which they are solved.

56. A more tangible criticism is that it would be found difficult to recruit the Judges of the High Court. The salary proposed, it was said, would fail to attract the best I.C.S. Judges from other provinces, while the gap between a Subordinate Judge and a Judge of the High Court is considerable. We are unable to agree that it would be impossible to secure from other provinces Indian Civil Service Judges of the highest qualifications. We do anticipate some difficulty in finding a Subordinate Judge sufficiently equipped by experience and training to be promoted to the High Court Bench. It is probable that for some time to come the two Judges not recruited from the Indian Civil Service would have to be drawn from the bar. We would suggest that Subordinate Judges might be given training in sessions work by being made Assistant Sessions Judges wherever possible. The post of the Registrar of the High Court might be made a stepping stone for a selected Subordinate Judge to the High Court bench.

57. It was objected that it would in practice be difficult for the Chief Justice to arrange for appellate benches. At present the appellate work from Orissa occupies two Judges of the Patna High Court between 30 to 40 working days in a year. The amount of appellate work from the Oriya portion of Ganjam received in the Madras High Court is not considerable. It seems safe, therefore, allowing for expansion in the number of appeals and for the addition of appeals from Ganjam, to estimate the number of days likely to be spent on hearing appeals at 80. A considerable number of appeals could and would be heard at Cuttack by the bench of two Judges permanently stationed there. We do not therefore consider that any considerable difficulty would be felt.

58. Some witnesses suggested the possibility of friction between the Judges of the Court if any two Judges of the Court were competent to hear appeals from a single Judge of equal status. But there seems to us to be no special reason why there should be greater friction between Judges of the Orissa High Court than there is between the Judges of the Chartered High Courts of India whose decrees are subject under Letters Patent to an appeal to a bench of their colleagues.

59. We can see no reason therefore why a High Court constituted as above should not function successfully. We think that such a tribunal is admirably adapted to the needs of a small province like Orissa and that it would lead to cheaper litigation as well as to speedier disposal of cases. We have been impressed by the fact that members of the bar became more and more reconciled to the scheme the more accustomed they grew to the novel idea of High Court Judges doing the work of District and Sessions Judges.

60. It is perhaps hardly within the province of this Committee to recommend a definite scheme for a High Court for Orissa or to suggest by what means such a scheme might be introduced, but we think that it would be appropriate to constitute a High Court for this province simultaneously with or as soon as possible after the

inauguration of the new province. Should it be found impossible to do this, it seems to us that the only practical alternative is to take steps to have the existing Letters Patent of the Patna High Court amended so as to extend the jurisdiction of that Court to the portions of the new province taken over from Madras and the Central Provinces. In that event, the Judges of the Patna High Court should continue to come to Cuttack on circuit, for, on the whole, the people value the advantages they now enjoy. There would probably be sufficient work for three District Judges.

61. The District and Sessions Judge for the Khond area will be the Agent to the Governor at Chatrapur. Appeals from his judgments should lie to the High Court of Orissa, if such a Court is constituted or to the Patna High Court to the same extent as they now lie to the Madras High Court, until other arrangements are deemed to be desirable. In the event of a High Court being established, the most convenient arrangement for the extra accommodation will be to hand over the Revenue Commissioner's office and residence, which are close to the present Civil Courts, the Revenue Commissioner taking over the house in the new Capital to be built for the Chief Justice, and moving his office to the new Secretariat.

University.

62. We have been deeply impressed by the strength of the popular demand for a separate University. All witnesses voiced that demand and some went so far as to say that in the last resort they would prefer a separate University to a separate province. They pointed out that the demand for a separate University was made long before a separate province was even contemplated. It was made clear to us that the people of Orissa would be gravely disappointed were they to discover that they have won provincial autonomy and achieved racial unity only to be denied a University for their own.

63. The Director of Public Instruction, Bihar and Orissa, has advised us that the simplest type of University, capable of satisfying the immediate needs of Orissa, would involve a capital expenditure of two and a half lakhs and a recurring expenditure of Rs. 70,000. Other schemes somewhat but not greatly less expensive have been placed before us, which on close examination might perhaps prove to be sufficient to enable the proposed institution to claim University status. There is, however, a considerable amount of spade work to be done before it can be decided what form the University should take, and we think that the task of reconciling or selecting from divergent views should be left to a committee to be appointed hereafter. To such a Committee the determination of the cost would naturally fall.

64. The scheme of the Director of Public Instruction would require something like Rs. 20,00,000 to cover capital cost and to provide by way of interest for the recurring charges. If the demand for a University is as widespread as the evidence we have received indicates, it should not be impossible to raise an endowment fund

of something like that sum in the course of a few years, especially if the Ruling Chiefs continue to show the interest they have displayed in the past in higher education for the Oriyas as a whole. If the new Orissa Government could place before the Federal Government a considered scheme, which commanded general assent throughout Orissa, and also show that an endowment fund sufficient to cover most of the cost of it had already been collected, there would be strong case for a special subvention to complete the necessary sum. We trust that the authorities of the Federal Government will be able, consistently with their responsibilities to the general tax-payer, to assist in such a way the Oriyas to attain their long cherished ambition.

65. Until a separate University can be formed for Orissa we recommend that existing arrangements should continue, namely, that the Ganjam district should continue to be affiliated to the Andhra University and the rest of Orissa to the Patna University. As a permanent arrangement there are grave objections to dual affiliation. The graduates of different universities tend to differ from each other in educational attainments, in their ideals and most important of all in their loyalties. It is possible therefore that the affiliation of a small province for many years with two different Universities may have a disruptive influence in provincial affairs and politics. On the other hand, there are obvious advantages to be gained by interfering as little as possible during the period of transition with the students who are now in the colleges. It would, for example, involve a serious dislocation in the work of students of the Khalikota College in Ganjam, if that college was suddenly to be divorced from the Andhra and wedded to the Patna University. Further the local representation on the controlling bodies of the Universities is fixed by statutes, and there is no assurance that a new affiliation will secure results as favourable in that respect as the existing statutes provide.

66. Apart from inconveniences arising from the necessity of sending Oriya members of University bodies to attend meetings at Patna or elsewhere, there is one more general objection to affiliation with an extra provincial University which has been urged, *viz.*, that the Education Minister of the new province would be unable effectively to control the policy of secondary education, since secondary education as a rule is controlled by the University. It was urged that educational policy in Orissa would in practice be controlled by the Education Ministers of two other provinces, if our present recommendation is accepted. We are of opinion that this difficulty can be partially avoided by constituting a Provincial Board for Secondary Schools whose function would be to advise the Minister in charge of Education, to settle the school curricula, to conduct examinations and otherwise to control the secondary schools of the province.

67. On the whole, therefore, we prefer to recommend maintenance of the *status quo* rather than the immediate affiliation of the entire province with either Calcutta, Patna or Andhra Universities.

The proposal to make no change at present may be regarded as a token of our belief and hope that Oriyas will leave no stone unturned in their search for funds wherewith a University of their own may be inaugurated with the least possible delay.

Other Institutions.

68. We recommend that Orissa should continue for the present to use the facility offered by the Bihar Medical Engineering and Veterinary Colleges.

Orissa will also for the present find it convenient to enter into an agreement with the Bihar Government for the training of candidates for the Police and Excise departments at the Police Training College at Hazaribagh and the Constables' school at Nathnagar.

69. At present the Bengal Nagpur Railway Police in Bengal, Bihar and Orissa are under the administrative control of the Bihar and Orissa Government. Apart from the administrative advantage of keeping the Railway police under one and the same authority, the Orissa Railway Police would be too few to constitute a separate charge for a Superintendent of Police. The following figures are instructive :—

	Railway mileage.	Average number of cognizable crimes taken over 3 years.
Bihar ..	631	375
Bengal ..	240	497
Orissa and Ganjam	644	349

Bihar at present bears the full cost of a Superintendent and Deputy Superintendent of Police whose combined pay amounts to Rs. 28,563 per annum. If Orissa takes control, she will have to pay for the Superintendent and the Deputy Superintendent of Police. We are advised that if Bihar retains control, the cost would be as follows :—

Bengal	Rs.	52,169
Bihar	,,	72,827
Orissa and Ganjam	,,	39,563

If Orissa takes control the cost will be as follows :—

Bengal	Rs.	52,169
Bihar	,,	44,264
Orissa	,,	68,216

Thus Orissa with approximately the same length of line as Bihar will pay about Rs. 30,000 a year more for the privilege of assuming control of a few Railway Police Thanas. We are further informed that railway police cases in Bengal and Bihar together are three times as numerous as similar cases in Orissa. We propose therefore

that Orissa should leave its railway police under the Bihar Government, as Bengal does, and should pay a proportionate contribution to Bihar.

70. Though the O'Donnell Committee suggested that Orissa should send her long-term prisoners to Bihar jails, we believe that the arrangement will prove unsatisfactory in practice to both the provinces. The prisoners while in a Bihar jail will cease to be under the control of the Orissa Government. We anticipate difficulties, if Bihar finds it inconvenient to accept prisoners from Orissa owing to want of accommodation. Past experience indicates that this is not an improbable contingency. We consider it desirable that Orissa should have jail accommodation for all her own prisoners. It is estimated that 300 prisoners from the new Orissa province will be accommodated in Bihar Central Jails if the proposal of the O'Donnell Committee is accepted. That is about the figure of prisoners now accommodated at the Berhampur Jail. This jail was visited by the Inspector-General of Prisons, Bihar and Orissa, as well as by the Committee and we are fully satisfied that the jail can be expanded economically and without inconvenience to provide for 600 prisoners. We are not in a position to give the capital cost accurately but have been told it will be in the neighbourhood of Rs. 3,00,000. It will be necessary to have a whole-time I.M.S. officer in charge of the enlarged jail, and this, together with the cost of maintaining the additional prisoners, will probably double the present cost of the jail, which the O'Donnell Committee put at Rs. 48,000. Against this the province will save Rs. 29,000 put down as the cost of separation, *i.e.*, the charge that Bihar would make if the present arrangement were to continue. We suggest that the province should find this recurring cost of Rs. 19,000, but that the Central Government should provide the cost of building the enlarged jail.

71. We are agreed that Orissa should share the following institutions with Bihar after separation:—

(1) Reformatory School at Hazaribagh.

(2) Indian Mental Hospital.

(3) Ranchi Mental Hospital for Europeans.

(4) Bacteriological Laboratory.

(5) Public Health Laboratory.

(6) Pasteur Institute.

(7) Gulzarbagh Survey office and traverse establishment.

72. In respect of audit of accounts, we think the best arrangement will be to entrust this to the Accountant-General of Bengal, since that officer will be nearer to Cuttack and has a larger office than the Accountant-General of Bihar and Orissa, whose headquarters is Ranchi. No accommodation either temporary or permanent will be required for this purpose, except the use of a circuit house and some rooms in the Secretariat during the preparation of the budget.

CHAPTER V.

TERRITORIAL CHARGES AND THEIR HEADQUARTERS.

73. The tract known as the Khondmals has a long common boundary with the northern portion of the Ganjam Agency Tract. Though with slight differences of detail, the two Khond areas are administered on the same general principles. The Khonds of the Khondmals are of the same race as the Khonds of the Madras Agency and have no affinity with the Oriyas of the Sadr Subdivision of Angul. Angul is 85 miles from the Khond country and cut off from it by the Mahanadi, which cannot be crossed by wheeled traffic for four months during the rains.

74. The present administration of the Khond country is as follows :—

Khondmals is under an officer of the Bihar and Orissa Provincial Civil Service, ordinarily of about 15 years' standing, who is subordinate to the Deputy Commissioner of Angul. For twelve years the Deputy Commissioner of Angul was subordinate to the Political Agent for the Feudatory States, but he is now once more under the Commissioner of the Orissa Division. The Ganjam Agency is administered by three "Deputy Tahsildars" corresponding in rank to somewhat junior Sub-Deputy Collectors in the Bihar and Orissa subordinate civil service. They have their headquarters at Ghumsur Udayagiri, Balliguda and Ramagiri Udayagiri and an office staff of 5 or 6 clerks. Their immediate superior is the Special Assistant Agent to the Governor of Madras. This post is usually held by an I.C.S. officer of two to seven years' standing. Such an officer in Bihar would ordinarily be in charge of one of the more important sub-divisions. The Special Assistant Agent is subordinate to the Collector of Ganjam who is *ex-officio* Agent to the Governor. The Special Assistant Agent's headquarters is Russellkonda, which is about 10 miles outside his charge. His office is there but in practice he is on tour in the Agency for about 9 months in the year and has a second residence at Balliguda in the extreme north-west of the Agency. His office used to be at Balliguda but it was shown by experience that clerks from the plains succumbed to malaria and blackwater fever. The Collector of Ganjam in addition to the Agency tracts has at present under him four sub-divisions, or as Madras calls them 'divisions', namely Chatrapur, the Headquarters Division, Berhampur, adjacent to it, Ghumsar which is based on Russellkonda, and Chicacole in the south of the district. Chicacole will remain in Madras and some portion of Berhampur too. Consequently after the creation of the new province the Collector of Ganjam will retain four Sub-divisional Officers under him, of whom one will have a considerably reduced charge. Seeing that the Deputy Commissioner of the Santal

Parganas has six sub-divisions and a considerably larger population we see no difficulty in retaining Ganjam as a single district enlarged by the addition of Khondmals sub-division and reduced by the loss of Chicacole and a portion of the Berhampur sub-division. It should be clearly understood that Khondmals, which will form the fifth sub-division, will be independent of the Ganjam Agency in the sense that the Deputy Collector in charge will be in no way subordinate to the Special Assistant Agent. Both parts of the Khond country, however, will be under the Agent to the Governor at Chatrapur. We think that for some time to come it would be dangerous to attempt to assimilate the administration in the two Khond tracts. Since the Governor of Orissa will have a special degree of responsibility in regard to these two tracts, it is very desirable that he should have the advantage of a senior officer of up-to-date district experience such as we expect the Collector of Ganjam ordinarily to be. Hitherto the Governor of Bihar and Orissa has relied for administration of the Khondmals on the advice of an officer of this standing either as Political Agent or as Commissioner of Orissa. It must be remembered that the Revenue Commissioner of Orissa will have numerous other functions and will not necessarily be conversant with the administration of a tribal area.

75. We recommend therefore that Khondmals be added to the Ganjam district and administered by a Deputy Collector, whose immediate superior will be the Collector and Agent of the Governor in Ganjam.

76. If our proposals regarding the administration of the Khondmals be accepted, there is no case for retaining Angul as a separate district. The people of Angul wish to keep Angul a separate district. They are afraid of losing certain privileges which they have long enjoyed. Successive Governments have allotted large sums for the uplift of tenants and backward classes. The depressed classes enjoy certain concessions in the assessment of land revenue. The Pans enjoy a uniform reduction of 25 per cent. in the rent payable by them; the Khonds, Gandas and Dodras enjoy a remission of $12\frac{1}{2}$ per cent. of rent on all lands leased out to them. About one-quarter of the population belongs to the depressed classes whose rights must be safeguarded. The people fear that if Angul is reduced to the status of a sub-division, the Government grant for the uplift of the backward classes may be reduced and the special concessions in assessment of land revenue may be withdrawn.

77. These arguments are of a conservative nature and such as one would expect but cannot be the only consideration. An area of 881 square miles with a population of 148,459 cannot economically be administered as a separate district. There is really no reason to fear that with the abolition of the district, the Government will not display the same solicitude for the uplift of the depressed classes as at present. Angul is only 60 miles by direct

road from Cuttack and only three hours' journey by road and rail. It is accessible from Cuttack all the year round by rail and road and by the direct road for about nine months in the year.

78. We are agreed that Angul Sadr should be made a sub-division of Cuttack district. The people would much prefer this to being made a sub-division of Sambalpur and it would indeed be most inconvenient to administer Angul from Sambalpur. We do not consider it part of our task to advise on the question of modification of the special laws and regulations governing Angul, but would leave the question to the future Orissa Government. We desire nevertheless to record our opinion that a specially competent member of the Provincial Civil Service should be placed in charge of Angul Sadr sub-division. If invested with powers under Section 30 of the Criminal Procedure Code and given most of the powers of a Deputy Commissioner in revenue matters under the Angul Regulations, almost all judicial work arising in Angul Sadr could be disposed of locally. An Assistant Superintendent or a Circle Inspector of Police could deal conveniently with the police work of the sub-division. We are advised that an Assistant Surgeon could conveniently and adequately supervise the five dispensaries in Angul Sadr sub-division.

79. It has been suggested that Banki should be transferred to Puri district in order to lighten the charge of the district officer of Cuttack. The suggestion does not meet with our approval. Public opinion is decidedly against the transfer. Banki has long been associated with Cuttack and a severance of this association will be unpopular. Banki town is 56 miles from Puri but only 27 miles from Cuttack. Banki boundary begins at a distance of 6 miles from Cuttack town. There is a good all-weather road to Barang station which is within 20 minutes by rail from Cuttack. A motor service runs all through the year from Banki to Mundmuhan whence the Katjuri can be crossed on foot in the dry weather or by country ferry boat in the rains. We are also advised that there are no strong administrative reasons for transferring Banki to Puri district. With the addition of the Sadr sub-division of Angul, Cuttack will no doubt be a heavy charge. But it will still be lighter than some of the existing districts of Bihar. The personal work of the Collector can easily be reduced by ordinary expedients, *e.g.*, the appellate work, criminal and revenue, might be delegated to a senior Deputy Magistrate. We recommend therefore that Banki be retained as part of the Cuttack district.

Khariar.

80. The Khariar tract is a Zemindari with an area of 1,489 square miles and a population of 160,892. It is thus considerably large and slightly more populous than the Sadr sub-division of Angul. It has been estimated that the revenue from all heads is approximately Rs. 80,000. If a new sub-division is created, the

revenue will cover the expenditure and will leave a balance of a few thousand rupees. The new Raipur-Vizianagram Railway line runs across the northern portion of the area. Two railway stations, Jonk and Khariar Road, are situated inside the Zemindari itself. Jonk is 292 miles by rail from Sambalpur *via* Jharsuguda and Raipur. Lakhna which is a village close to Khariar Road station is 110 miles by road from Sambalpur *via* Paikmal but the road from Paikmal to Lakhna is a very rough cart tract unfit for motor traffic. In the south of the Zemindari, Khariar is the nearest village to Sambalpur—a distance of nearly 140 miles *via* Bolangir and Titagarh. It is clear then, that Khariar is accessible from Sambalpur by road and rail routes which are not only circuitous but for most of their length lie outside the district. It is obvious from this that Khariar cannot be conveniently administered directly either from Sambalpur or Bargarh. We consider that Khariar should be made a separate sub-division of Sambalpur.

81. Assuming that Khariar is made a sub-division of Sambalpur district, the choice of headquarters lies between Khariar and Nawapara. Khariar is at present the headquarters of the Zemindari. The Inspector of Police lives there. There is a Middle English school, a dispensary and a Women's hospital. But Khariar is over 20 miles as the crow flies from the railway line. The Zemindar's own view is that if the Sub-divisional headquarters is located at Khariar his prestige will suffer. From the point of view of Government the objection may perhaps be restated by saying that the relations between the Zemindar and the Sub-Divisional Officer will tend to be either too greatly strained or too cordial. This argument, together with that of isolation from the railway, contraindicates the selection of Khariar as headquarters. There remains Nawapara. It is situated near the railway line, and is only 6 miles by road from Jonk Railway station. We understand it is proposed to locate a new railway station at Nawapara. There is at present a police station, an excise warehouse and the office of a Public Works Department sub-overseer at Nawapara, and it is accessible by road from Khariar. The road is motorable and a bus service runs throughout the year. We propose that Nawapara should be the headquarters of the sub-division.

82. During the last three years, Khariar contributed on an average 170 criminal cases, 575 revenue cases and 85 civil suits including rent suits annually to the Courts at Raipur. One officer will be able to deal with all these cases. He should be vested with first class powers for the trial of criminal cases, and with the powers of a Munsif for trial of civil suits. He will also be in charge of the Sub-Treasury and Sub-Registry office. No second officer is necessary at present.

Buildings will be necessary for the office and accommodation of the Sub-divisional Officer and his staff whenever the headquarters are located. After considering the costs of sub-divisional

buildings erected in recent years in the Bihar and Orissa province, we give below our estimates of capital expenditure :—

	Rs.
Sub-divisional Office	20,000
Sub-divisional Officer's house	12,000
Two married clerks' quarters	3,000
Inspection bungalow	6,000
Treasury Guards' quarters	1,000
Peons' and orderlies' quarters	1,000
Sub-Jail	14,000
Total ...	57,000

CHAPTER VI.

CADRES FOR THE ALL-INDIA SERVICES.

83. The number of duty posts as worked out on the basis of the proposals of the O'Donnell Committee is 25 for the I.C.S. and 15 for the Indian Police Service. Our proposals, if accepted, will result in a slight reduction in the I.C.S. cadre and a slight increase in the cadre of the Police.

84. A self-contained cadre is impossible. The selection of officers for special posts would be automatic. Government would often be compelled to place an unsuitable officer in a particular post, simply because no other officer was available at the time. There is the further difficulty that service in Orissa is unpopular with officers of all ranks and races, largely on account of the climate. In the absence of a contented civil service, administrative efficiency is impossible. It is probable that Orissa would obtain better work from its officers if some system were adopted by which they did not remain in Orissa for the whole of their service. By such an arrangement something would no doubt be sacrificed in the matter of local knowledge and familiarity with the language, but on the whole the advantages to be gained would outweigh the disadvantages.

85. Moreover, with a small self-contained cadre it is impossible to secure an even flow of promotion. A very small decrease below the normal scale of casualties, such as would hardly affect a large service, will result in a small cadre in a complete block of promotion. On the other hand, a slight increase in the casualty rate will mean that a junior officer will be promoted to a senior post before he has the necessary experience to fill it efficiently. Moreover these effects are complementary; a block in promotion almost invariably entails accelerated promotion as soon as the block clears and *vice-versa*. Since its formation in 1901, the North-Western Frontier Province has had no self-contained cadre for the posts of district officers, but have drawn on the Political Department of the Government of India. We understand that the reasons urged above have operated to perpetuate this system for the long period of 32 years. It has been suggested that in future I. C. S. and Indian Police Officers might be assigned to Orissa from the beginning and a separate cadre for the new province built up from the new recruits. We very much doubt if Orissa will attract the same class of recruits as the bigger provinces. Nor will the difficulties already stated be met by such an arrangement. On the whole, the weight of evidence is strongly in favour of a joint cadre with Bihar and we are in complete agreement with that view. The arrangement will, of course, have to be reconsidered, if and when All-India Service are replaced by Provincial Service, or other methods of recruitment are adopted.

86. A completely joint cadre with Bihar would be difficult to work as it would involve negotiations between the two Governments regarding the posting of particular officers, at least twice a year, for the hot weather and cold weather. The most feasible arrangement would be that Orissa should be assigned a number of officers out of the present cadres corresponding to the strength which relevant cadre calculations indicate, *i.e.*, in addition to the officers required for duty posts, Orissa will be assigned a proportion of the leave and deputation reserves. The Orissa Government would make its own arrangements for the posting of these officers, but if an officer was required for a short time for some special purpose, his services would have to be obtained on ordinary foreign service terms. The officers for the Orissa cadre should, we suggest, be selected and deputed for a period of years, after which they might be at liberty to return to Bihar or to remain permanently or for a second term in Orissa. The officers selected would have to be of varying seniority and in order to avoid wholesale changes at recurring intervals the period of deputation should be varied for the first few years of this arrangement.

87. The period of deputation should be sufficiently long to enable the officer to become familiar with the province but not so long as to interfere with his suitability for further service in Bihar. We are of opinion that the period of deputation should ordinarily be four years (including leave). This period will cover the average spell of duty between leave plus six to eight months for leave.

88. The source from which the officers should be obtained should be primarily the Bihar cadres, since many officers of those cadres have often served in Orissa. If Orissa borrows officers from any other province, it is likely that there will be an excessive number of officers in Bihar and the surplus would have to be distributed among other provinces. But, for the administration of the Ganjam district, we think it will be necessary for some years to borrow two officers of the I. C. S. with experience of the District and of Madras land tenures. A Police officer with local experience might also be an asset, while there is a case for taking temporarily an officer of the Indian Forest Service from the Madras cadre. These officers would come to Orissa on deputation for four years or on foreign service terms. The whole question is one which should in our opinion engage the attention of the Governments of Madras and Bihar and Orissa.

89. We see no reason why all provincial services should not be self-contained. The cadres will be large enough to avoid the difficulties already described, which are not so acute in services where the nature of the work and the responsibility it entails does not greatly vary as an officer advances in seniority. Officers of the Provincial Services will under the new constitution be under the final disciplinary control of the local Government and consequently a joint cadre would be extremely inconvenient. The only doubtful case is that of the Provincial Judicial Service. This cadre for

Orissa will only be about 20 officers. On the whole, however, we think that it would be better to have all the Provincial Service cadres self-contained. Since the pay and prospects of the Provincial Services as well as the non-gazetted establishments differ between the two provinces, Madras and Bihar and Orissa, we recommend that the two Governments should now examine the point, in order to secure that officers to be transferred from Madras do not suffer.

CONCLUSION.

90. In conclusion it will be convenient to bring together the capital cost of our various recommendations involving expenditure of that nature. It is as follows :—

	Rs.
Cuttack	31,87,000
Puri	1,58,000
Gopalpur	50,000
Mahendragiri	75,000
Khariar (sub-divisional buildings) ...	57,000
Berhampur (Central Jail)	3,00,000
Cuttack-Puri telephone	48,000
	38,75,000

The expenditure incurred by the Committee will be approximately Rs. 16,000.

J. A. HUBBACK.
LAKSHMIDHAR MAHANTI.
LOKNATH MISRA.
BIRABAR NARAYAN CHANDRA DHIR NARENDRA.
M. S. DAS.
RAO SAHIB N. RAMAMURTI NAIDU.*
W. O. NEWSAM.
N. SENAPATI.
G. C. DEBO.

V. RAMASWAMI,
Secretary.

* Subject to the appended note of dissent.

MINUTE OF DISSENT.

I respectfully beg to record my dissent from the proposal made in paragraph 15 of the report.

2. As a member of the Orissa Committee, I loyally accepted the southern boundary of the proposed Orissa Province and cordially agreed with my colleagues that a Circuit house should be built at Gopalpur, though the Andhras not only of the Ganjam District but also of the whole Madras Presidency feel that grave injustice was done to them by the inclusion of the overwhelmingly Andhra populated tracts of Berhampur, Gopalpur, Chatrapur and the coastal tract in the new Province and view such inclusion as a great calamity.

3. In the terms of the reference the Committee were asked to consider and make recommendations as regards "the site, the extent and the approximate cost of new accommodation required at the headquarters or in the districts". Mahendragiri being outside the boundaries of the proposed province, it is beyond the terms of reference to propose a summer camp on the Mahendragiri hill. The foot of the hill may be 5 or 6 miles distant from the southern boundary of the province over hills and forests, but is really about 40 miles by any practicable route, as one has to go from Berhampur by rail or on the grand trunk road up to Mandasa and thence to the hill by an earthen road.

4. As the contemplated Orissa Province will be very small in size, limited in population, and lacking in finances, the zamindars and the educated Oriyas have been trying their level best to secure as much territory as possible from out of the admittedly Telugu tracts. One of the reasons given by them for the inclusion of Mandasa and Parlakimedi estates within the new Province is that the Mahendragiri hill would be a suitable place for building a summer headquarters for the new Government. The construction of a summer camp on this hill will encourage the Oriyas to agitate further for the inclusion of more Andhra area in the new Province, and will prove the thin end of the wedge for penetrating into the Andhra country still further. By making such a suggestion the Committee would unwittingly be lending their authority for the fomentation of such an agitation, and transgressing in spirit the instructions in the terms of reference which lay down that "considerations of the selection of boundaries will lie wholly outside the Committee's purview".

5. The Committee have already recommended in paragraph 14 that Puri should be treated as summer headquarters of the Government. In paragraph 16 they have suggested the construction of a circuit house at Gopalpur. In paragraph 8 they say:—"Berhampur and Gopalpur have no doubt certain advantages. They have an equable climate and possibilities of town-development. Their vicinity to the sea might obviate the need of a summer headquarters. They are not liable to be inundated by flood or ravaged by epidemic". In these circumstances it is not necessary to seek another summer camp.

6. On page 40 of the Ganjam District Manual it is stated that Mahendragiri "was once proposed as a sanatorium for Calcutta". I understand that, after the necessary investigation, this hill was considered to be unsuitable for residence even for a short time, and the idea was abandoned. I feel it is most undesirable that the Orissa Province, with its limited resources, should incur any expense such as that recommended by the Committee.

7. Finally, I submit that the Andhras, who are dissatisfied with the southern boundary already announced, will not only strongly resent the suggestion but also start a fresh agitation for a reconsideration of the southern boundary of the province, while it will encourage the Oriyas to start a further agitation for the inclusion of more Andhra area in the Orissa Province. The already strained feelings between the two communities will be further embittered and the new Province will start with a sullen and provoked discontent on the part of the Andhras, which it is highly desirable to avoid.

RAO SAHIB N. RAMAMURTI NAIDU.

The 29th October 1933.

APPENDIX I.

PRELIMINARY EXAMINATION OF SITE FOR A NEW CAPITAL AT CUTTACK.

Reference:—(1) Orissa Committee's letter No. 1, dated the 5th/7th July 1933, to the Chief Secretary.

(2) Orissa Committee's letter No. 2-Con., dated the 20th July 1933, to the Chief Secretary.

(1) Messrs. E. R. Smitth, Sims and Gubbay inspected the Chauliaganj site, which gave the impression of space. This site was considered after careful examination to be unsuitable. The few bits of high ground in the area had already been built over and the remainder was low ground, wet and in most cases paddy fields—totally unsuitable for the purposes of a new Capital.

(2) So we proceeded to examine the northern or Chauhatta Ghat site with a view to advising Government whether it was suitable for (*a*) the erection of multiple storied buildings, (*b*) from the sanitation and public health point of view, (*c*) whether the supply of water and electricity would be unduly expensive.

(3) In the 2nd letter referenced above the requirements of the new Capital as provisionally contemplated are stated to be—

(*a*) Government House.

(*b*) Secretariat and Council Chamber.

(*c*) Residences for 4 principal and 6 subordinate Secretariat officers.

(*d*) Accommodation for perhaps 50 clerks.

(*e*) Provision of a market.

The area suggested was the land enclosed within the Mahanadi and Katjuri embankment, the eastern limit of which just excluded the ' Shelter ' and the late Mr. J. N. Bose's house.

(4) Although there had been heavy rain as well as a high flood in both rivers in the previous week and it was still raining we were very favourably impressed with the Chauhatta Ghat site as compared with the featureless Chauliaganj site. It is impossible at this stage to attempt to locate the site of each building but the group layout which suggested itself to us is marked on the map.

Proceeding west from the " Shelter " is the suggested site for the quarters for 50 clerks and the market. Government House would be on the highest ground south of the road just before it climbs on to the Katjuri embankment and it would lie northeast and southwest, facing the Dhankanal hills and so catch the prevailing evening sea breezes in the hot weather.

The combined Secretariat and Council Chamber would be best located on the high ground at the north and near the rifle butts. The 10 residences, allowing 1 acre per compound could be located on the high bits of ground to the east of the Council Chamber and on high ground west of the late Mr. Bose's estate. We are satisfied that the site can hold the accommodation required as well as a few more houses. If more accommodation were required, low land to the west of the rifle range could be raised with sand from the river bed.

(5) *Soil.*—The surface soil is generally sandy overlying clay. There are pockets of made ground. Owing to the rain the trial pits were flooded out. Chief Engineer is of opinion that while it was safe to allow foundation pressures of $\frac{1}{4}$ to $\frac{3}{4}$ ton per square foot, it would be necessary in some cases to pile or raft the foundations. There was no bar to 3 or 4 storied buildings.

Storm water drainage.—The subsoil water was high but not unduly so. Storm drainage is carried off by a central depression flowing due East and West continuing through paddy fields through the Kanika estate and eventually discharging into the municipal central drain and was at the time of inspection working satisfactorily. We have no reason to suspect that this drainage would not be satisfactory after heavy rainfall but it must not be expected with say rainfall amounting to 15″ in 3 consecutive days combined with a high flood in the rivers that the site will be quite dry.

(6) *Water Supply.*—There are already 5 satisfactory tube wells in Cuttack. We do not anticipate any difficulty in obtaining the required amount of water from 9″ tube well which ought according to precedent supply about 12,000 gallons per hour without difficulty.

Sewage Disposal.—With an ample supply of water, a water borne sewage disposal works provides convenient alternative to a hand carriage system which involves trenching after being carried in carts some 4 miles through the length of Cuttack town. With the group layout as suggested previously we would suggest one septic tank for Government House, its out-offices and clerks' quarters with filters in the space between the retired and original lines of the Katjuri embankment. During floods the effluent would be pumped into the river. The immense dilution would render this harmless. For the 10 residences and Secretariat and Council Chamber there would be one or more septic tanks connected to the disposal works mentioned above. In both cases the effluent would have to be pumped.

(7) We saw the Commissioner and advised him as to the area to be notified as a preliminary. We suggested the inclusion therein of paddy fields between the Kanika estate and the estate of the late Mr. Bose. This was done with a view to malaria control.

(8) In conclusion, we unanimously consider with the material information before us that the Chauhatta Ghat is suitable for the site of the new Capital and that the public utility services including electricity will not be too costly to instal and maintain.

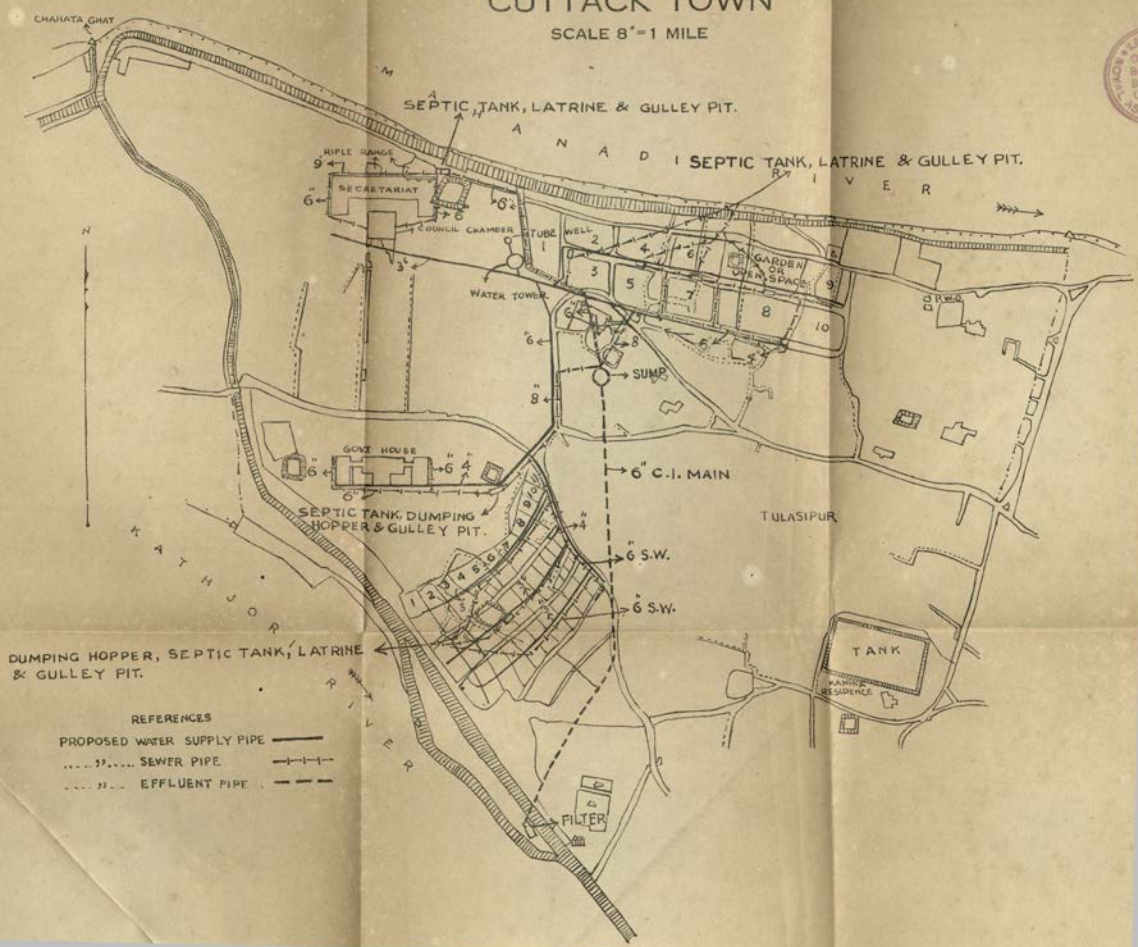
H. A. GUBBAY,

Chief Engineer, Bihar and Orissa
(Roads and Buildings).

H. A. GUBBAY,

Chief Engineer, Buildings and Roads for and on behalf of S. E., Public Health Circle, and Electrical Engineer, Bihar and Orissa.

PART PLAN
OF
CUTTACK TOWN
SCALE 8"=1 MILE



APPENDIX II.

Approximate cost of additions and alterations to Government House, Puri.

We were asked by the Chairman, Orissa Committee, to inspect Government House, Puri, and report the cost of additions and alterations required in view of its being occupied consecutively for 3 years and thence for a period of two months per year.

(1) *Increased accommodation necessary.*

Existing ..	Ground floor ..	Living Hall	.. 35′ × 20′
		Dining room	.. 30′ × 16′
		Waiting room	.. 9′ 3″ × 16′
		H. E.'s office room ..	16′ × 18′ 9″
	1st floor ..	2 single bed and bath room, 2 double bed dressing bath room.	
	Top floor ..	2 single bed dressing and bath room.	

The accommodation now provided is a bare minimum for a short period and if it is desired to house the Private Secretary or A. D. C. in Government House proper instead of in the thatch roofed staff house, increased bed room and living room accommodation is necessary.

Proposed increase in accommodation.

Gound floor.—Billiard room 36′ × 20′ with lavatory and protecting verandah.

Waiting room, Private Secretary's office and H. E.'s office.

(The existing waiting room 9′ 3″ × 16′ is too small for a card room and is converted into A. D. C.'s office and H. E.'s existing office room into a card room 19′ 9″ × 16′).

1st floor.—The double bed room on the E. wing is to be converted into Her Excellency's boudoir and the dressing room connected to the single bed room.

An additional double bed room dressing room and 2 bath rooms are provided over the new billiard room.

Similarly, on the E. wing a double bed room with dressing room and 2 bath rooms have been provided with the existing dressing and bath room connected to the single bed room.

Top floor.—No additions have been given here. It is not possible without heavy structural alterations. Some roof protecting is necessary.

Abstract of accommodation.

	Existing.	Additional.	Total.
Ground floor ..	Living room.	Billiard room.	
	Dining room.	Card room.	
	Waiting room.	Private Secretary's office.	
	H. E.'s office.	A. D. C.'s office.	
1st floor	2 single bed rooms.	2 double bed rooms	4 double bed rooms.
	2 double bed rooms.	3 dressing rooms 1 boudoir.	5 dressing rooms. 1 boudoir.
Top floor	2 single bed and dressing room.	*Nil.*	

(2) *Electrical.*

There is only one engine and dynamo of suitable voltage (110) but it is of pre-war design and totally unsuitable design for continuous running as it will be called upon to do. It is suggested that the two 14 K. W. sets available from the Cuttack General Hospital (in good condition) be installed here, the cost to be charged to Government House being depreciated book value. We are aware that the output of each set is more than Government House would require but this surplus could conveniently be utilized in the Circuit House, Inspection bungalow, Collector's, Superintendent of Police's, Civil Surgeon's and other Government residences and offices in close proximity. The existing wiring as well as most of the (outside) fittings and fans have been irretrievably damaged by saline action and should be replaced wholesale. This would be a fair charge on repairs and maintenance. The cost of wiring and the fittings in the new rooms would be chargeable to original works.

(3) *Water Supply.*

The existing supply is from 2 wells which give an ample supply but it is of doubtful bacteriological quality at present. Both hot and cold water is carried up the sweeper's staircase by hand. It is proposed to instal pipes for carrying cold water into each bath room and servery and to instal in each bath room one tap and one shower where required. Provision has also been made for pipes and taps to kitchens and standposts for clerks' and servants' quarters. The contract time for the completion of the Puri water supply installation is 18 months from starting. The contracts are about to be let out. Water is not expected to be available for 2 years from now. When it is available the residual head will not be sufficient to carry water to the upper floors, so electrically driven house service pumps and storage reservoir (as provided in the Hon'ble Revenue Member's house, Ranchi) will be necessary.

(4) *Time for putting in additions and alterations.*

As Government House, Puri, is likely to become continuously occupied from December 1935 and as municipal water will be available about the same

time, it is essential that at least 10 months clear should be allowed for the additions and alterations and for the walls and plaster to dry.

Mr. Sims, Electrical Engineer, and Chief Engineer consider that if continuous running of the electrical plant is required the changes proposed in paragraph (2) above should be taken in hand without delay. The generating sets are available at once.

Approximate costs of additions and alterations to Government House, Puri.

	Original.	Repairs.
	Rs.	Rs.
Increased accommodation 3,500 sq. ft. at Rs. 10 ..	35,000	..
Electrical—		
(*a*) Wiring and fittings	4,000	2,500
(*b*) New generating sets and housing and overhead	38,000	..
Water Supply	4,000	..
Total	81,000	2,500
CIRCUIT HOUSE.		
Electrical	3,500	..
Water Supply	3,000	..
Grand Total	90,000	say Rs. 1 lakh.

N. B.—In no case have we estimated the cost of furniture. It is understood that a billiard table with accessories will cost approximately Rs. 2,000.

H. A. GUBBAY,

Chief Engineer, Bihar and Orissa
(Roads and Buildings).

H. A. GUBBAY,

Chief Engineer, Bihar and Orissa,
for and on behalf of S. E., P. H. Circle,
and Electrical Engineer, Bihar and Orissa.

APPENDIX III.

FINANCIAL ASPECTS OF THE ALTERNATIVE SCHEMES FOR THE HIGHER JUDICIARY IN ORISSA.

1. The schemes to be examined are :—

A. Affiliation with the Patna High Court, along with the necessary provision of District and Sessions Judges, Subordinate Judges and Munsifs.

B. The establishment of an Orissa High Court, which will take over the work of District and Sessions Judges, along with the necessary provision of Subordinate Judges and Munsifs.

C. The establishment of an Orissa High Court of two or three Judges, confined to appellate work, along with the necessary provision of District and Sessions Judges, Subordinate Judges and Munsifs.

2. It is proposed first to compare the costs of A and B, and then the costs of A and C. In each case costs which do not vary between the two schemes compared are omitted on both sides.

3. *Comparison of A and B.*—The same number of Munsifs will be required in either scheme and the cost of these Courts may be omitted. The Committee were assured that the work falling on District and Sessions Judges and on Subordinate Judges, arising in the portion of Ganjam to be transferred to the new province, is just sufficient for the full employment of one District and Sessions Judge. The work from the whole of the present district is heavy for the existing staff of one District and Sessions Judge and one Subordinate Judge.

4. In the rest of the new province there are at present one District and Sessions Judge for Cuttack, Puri and Balasore, with two Subordinate Judges, and another Subordinate Judge at Sambalpur, besides the District and Sessions Judge of Manbhum-Singhbhum-Sambalpur, who spends about one-third of his time on Sambalpur work.

5. Scheme A would thus involve the employment of two I. C. S. District and Sessions Judges, and four Subordinate Judges, some of the latter doing sessions work and hearing appeals from Munsifs. It is probable that the work would be done somewhat less well than it is at present under this arrangement.

6. Scheme B contemplates a Chief Justice and three Puisne Judges, who would dispose of the work of the District and Sessions Courts, and would require two Subordinate Judges, whose work would mainly be confined to important original civil suits, and one Subordinate Judge as Registrar of the High Court. The Chief Justice and one Puisne Judge would be stationed at Cuttack, one Puisne Judge at Berhampur and one at Sambalpur.

7. The probable cost of the two schemes will be —

Scheme A.	Rs.	*Scheme B.*	Rs.
1. Contribution to Bihar for the Patna High Court	80,000	(*i*) Pay of Chief Justice (3,500 p.m.) ..	42,000
2. Pay of two I.C.S. District Judges	55,600	(*ii*) Pay of three Puisne Judges (3,000 p.m.)	1,08,000
3. Pay of four Subordinate Judges	37,400	(*iii*) Overseas pay of one Puisne Judge ..	2,133
4. Establishment of two District Judges ..	40,000	(*iv*) Pay of three Subordinate Judges (one as Registrar) ..	28,050
5. Establishment of four Subordinate Judges ..	16,000	(*v*) Establishment of Chief Justice	30,600
		(*vi*) Establishment of three Puisne Judges	48,000
		(*vii*) Establishment of two Subordinate Judges	8,000
		(*viii*) Travelling allowances for forming High Court Benches	4,000
		(*ix*) Contingencies for the High Court ..	12,500
		(*x*) Additional leave and pension charges ..	21,614
Total ..	2,29,000		3,04,897

NOTES—

1. This is the figure given by the O'Donnell Committee.

2. This includes ordinary pay, taken as one-fifth of the total non-voted budget provision Rs. 2,21,000 for ten District and Sessions Judges in Bihar and Orissa, 1932-33, together with Rs. 9,600 for overseas pay for both Judges, and Rs. 1,800 for special judicial pay for one Judge.

3. This is one-seventh of the total budget provision for 28 Subordinate Judges in Bihar and Orissa, 1932-33.

4. Establishment of a District Judge's court costs about Rs. 20,000 in Bihar and Orissa.

5. Establishment of a Subordinate Judge's Court costs Rs. 8,000 in Bihar and Orissa.

(*i*) and (*ii*) No remarks.

(*iii*) Only one of the Puisne Judges would be an I. C. S. officer.

(*iv*) See the note on 3.

(*v*) and (*vi*) One-eighth of the cost of the establishment of the Patna High Court has been taken under (*v*) and for (*vi*) the cost of three District Judges' establishments.

(*vii*) See note on 5. The Registrar-Subordinate Judge's establishment is included under (*v*).

(*viii*) For Appellate Benches of two Judges it is reckoned that about 96 days, or half a working year, will suffice. Of the six possible Benches one can be constituted by the two Judges stationed at Cuttack, and so involves no travelling. Thus for 80 days travelling for one Judge is involved. A High Court Judge is entitled under existing rules to Rs. 15 a day when halting, one rupee a mile when travelling by road, and free transport of a car by rail. Provision of Rs. 50 for each day is taken.

(*ix*) One-eighth of the provision for Patna High Court contingencies is taken. Contingencies would probably be about the same under either scheme for other courts and so are omitted from both sides.

(*x*) It is assumed that the leave and pension charges under Scheme B will exceed those under Scheme A at least by the charges required for two District Judges less the charges required for one Subordinate Judge. The calculation is a difficult one but points to a figure of Rs. 17,574. There will be a similar excess on charges for the extra establishment, which may be put at Rs. 4,040.

8. *Comparison of Schemes A and C.*—Scheme C would leave the judiciary other than the High Court as it would be in Scheme A. It is therefore only necessary to consider the cost of the High Court and compare it with the sum of Rs. 80,000 adopted by the O'Donnell Committee as the contribution to Bihar. The alternatives of two or three High Court Judges are considered.

Scheme C (i).	Rs.	*Scheme C (ii).*	Rs.
Pay of Chief Justice ..	42,000	Pay of Chief Justice ..	42,000
Pay of one Puisne Judge..	36,000	Pay of two Puisne Judges	72,000
Overseas pay of one Puisne Judge	2,133	Overseas pay of one Puisne Judge	2,133
Pay of one Registrar-Subordinate Judge ..	9,350	Pay of one Registrar-Subordinate Judge ..	9,350
Establishment of Chief Justice	30,600	Establishment of Chief Justice	30,600
Establishment of one Puisne Judge	20,000	Establishment of two Puisne Judges ..	40,000
Contingencies for the High Court	25,000	Contingencies for the High Court	25,000
Additional leave and pension charges	27,446	Additional leave and pension charges	39,046
Travelling allowances ..	1,000	Travelling allowances ..	1,000
Total ..	1,93,529		2,61,129

The first item requiring explanation is contingencies for the High Court where double the figure put in Scheme B has been adopted. Under Scheme B the contingencies for the two existing District Judges' courts would be available in addition to the provision of Rs. 12,500 for the High Court. Under Scheme C they would not be so available.

The second item to be explained is additional leave and pension charges. These are required for the Chief Justice, one Puisne Judge, and one Subordinate Judge under Scheme C (*i*) and further for one more Puisne Judge under Scheme C (*ii*). These come to Rs. 23,406 and Rs. 33,606 respectively. For establishments the charges will be Rs. 4,040 and Rs. 5,440 respectively.

For travelling allowances Rs. 1,000 has been put in to provide for a High Court Judge inspecting subordinate courts.

9. Assuming that the contribution to the Patna High Court will be what the O'Donnell Committee put down, and that it fully covers all charges including those for leave and pension, it would seem that, as compared with Scheme A, Scheme B will involve an extra recurring cost of about Rs. 76,000, Scheme C (*i*) of about Rs. 1,12,000 and Scheme C (*ii*) of about Rs. 1,81,000.

10. Schemes B, C (*i*) and C (*ii*) will probably be less expensive than Scheme A in charges for law officers, since Government will require no representation at Patna, while probably the posts of High Court Government Advocate and of Legal Remembrancer could be combined. It is further anticipated that the creation of a separate Orissa High Court will materially increase the High Court work. Indeed, if it did not, there would be little justification for Scheme C. If this anticipation is fulfilled there will be a marked increase in court-fees, which will be set off against the increases in the recurring costs indicated above.

11. For capital costs Scheme B involves Rs. 50,000 for a residence for the Chief Justice. The Cuttack Civil Courts along with the Divisional Commissioner's office will accommodate the courts and offices of the two Judges it is proposed to place at Cuttack, the Divisional Commissioner moving into the new Secretariat. The District Judge's residence and Court at Berhampur will be quite suitable for the Puisne Judge whom it is proposed to station there. There is a good court at Sambalpur recently built for the Sessions Judge when he comes on circuit. This will suffice for the Puisne Judge, who can hire a house there without difficulty. Scheme C (*i*) will require an extra cost for the Second Judge as well as a residence for him in addition to that, which under Scheme B will be required for the Chief Justice. Scheme C (*ii*) will require two extra courts and two extra residences.

J. A. HUBBACK,

Chairman.

GIPD—(C)280RO—18-11-33—1,500.

00110153

Digitized with financial assistance from

H T Parekh
FOUNDATION

An Initiative by
HDFC
WITH YOU, RIGHT THROUGH

on 10 January, 2019